



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Fifty-fourth Meeting Day

Wednesday Afternoon

April 27, 2005

The Senate convened at 2:06 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Reverend Kai Cole, Chaplain at Indiana University Medical Center, Indianapolis, the guest of Senator James W. Merritt, Jr.

The Pledge of Allegiance to the Flag was led by Senator Merritt.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 482: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

SENATE MOTION

Madam President: I move that the Senate rescind its action whereby it adopted the Motion to Dissent on Engrossed Senate Bill 432 and that said Motion be withdrawn.

MILLER

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 83

House Concurrent Resolution 83, sponsored by Senator Lubbers:

A CONCURRENT RESOLUTION to memorialize Dr. H. Dean Evans for his years of service to the State of Indiana.

Whereas, As Indiana's Superintendent of Public Instruction from 1985 to 1992, Dr. H. Dean Evans with Governor Robert Orr, successfully developed and passed the A+ Education Reform Package, a comprehensive package that has served as a national model for improving student academic achievement;

Whereas, Dr. Evans' A+ Education Reform Package was acclaimed by many as the most comprehensive and effective reform package in the nation;

Whereas, Dean Evans was a compassionate man who truly believed that the future of the State of Indiana rests on what is currently being done for our children;

Whereas, Dr. Evans served the public education system as a teacher, a counselor, a coach, a principal, and a local superintendent in the Washington Township School Corporation prior to serving as State Superintendent of Public Instruction;

Whereas, Dean Evans was a person who made outstanding contributions, not only to the Washington Township School District, but also to public education throughout the State of Indiana and beyond;

Whereas, Dr. H. Dean Evans also served as an advisor on the first President Bush's President's Education Policy Advisory Committee and as senior program Officer for Lilly Endowment;

Whereas, On August 31st, 2004 the Washington Township School Board recognized the accomplishments of their former leader and long-time resident by renaming the District's Community and Education Center to the "H. Dean Evans Community and Education Center" which houses the Office of the Superintendent that Dr. Evans once so ably filled for the School District;

Whereas, Dean Evans was born on September 1, 1929, grew up in Indianapolis where he attended School 69 and Arsenal Technical High School, and later graduated with degrees from Franklin College, and Indiana University;

Whereas, Dean Evans was an esteemed resident of Washington Township where he and his wonderful wife of 50 years Vera, raised their three sons, Greg, David, and Mike; and

Whereas, Dr. H. Dean Evans was a man of impeccable character, integrity, and class, a friend to many, a wonderful family

man, a gifted educator, a man of faith, and a great Hoosier: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives do memorialize Dr. H. Dean Evans for his years of service to the State of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this Resolution to the family of Dr. H. Dean Evans.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 72

Senate Concurrent Resolution 72, introduced by Senator Riegsecker:

A CONCURRENT RESOLUTION congratulating the Goshen High School Crimson Percussion Ensemble on winning the Winter Guard International 2005 World Championship.

Whereas, In only the third year since its inception, the Goshen High School Crimson Percussion Ensemble qualified for the Winter Guard International 2005 World Competition by placing second in a regional competition in March;

Whereas, The 16 member Crimson Percussion Ensemble is the first Goshen group to perform in a national percussion competition;

Whereas, The ensemble placed first in the preliminary round to advance to the finals against high schools from Massachusetts, Alabama, and Connecticut;

Whereas, Goshen scored six points more than the second-place group, which is an extraordinary accomplishment; and

Whereas, While most of its competitors play classical music, the Goshen ensemble performs more of a rock show. Fittingly, the Crimson Ensemble performed music from the rock band King Crimson in the competition: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Goshen High School Crimson Percussion Ensemble on winning the 2005 Winter Guard International World Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Dr. Bruce Stahly, Principal Jim Kirkton, and Directors Tom Cox, Josh Ellis, and Max Mault.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Ulmer.

Senate Concurrent Resolution 63

Senate Concurrent Resolution 63, introduced by Senator Miller:

A CONCURRENT RESOLUTION honoring Reggie Miller.

Whereas, Reggie Miller is and always will be the heart and soul of Indiana Pacers basketball, spending his entire 18 year career wearing number 31;

Whereas, Reggie Miller is the player all Pacers fans look to for that final shot that wins a close game;

Whereas, Reggie Miller is the player who, for years, has been the role model young athletes want to pattern themselves after;

Whereas, Reggie Miller epitomizes everything that is good and wholesome about sports;

Whereas, Reggie Miller is the type of athlete every mother and father want their child to become;

Whereas, Reggie Miller is a selfless player, a team player, and a player who knows that someday younger players will be ready to assume his leadership role on the team;

Whereas, That time has come for the player who owns the National Basketball Association all-time record for 3-point shots made and attempted;

Whereas, Reggie Miller, who will turn 40 this summer, will retire at the end of the 2004-2005 season;

Whereas, Reggie Miller, now in his 18th season with the Pacers, was a first-round draft pick out of UCLA in 1987;

Whereas, Reggie Miller quickly became known as a force within the NBA, is a five-time All-Star averaging at least 18 points a game for 12 consecutive seasons through 2000-2001, and is the winner of an Olympic gold medal and a World Championship gold medal;

Whereas, Reggie Miller burst onto the national scene in 1994 when he scored 25 fourth-quarter points in an Eastern Conference finals victory over the host New York Knicks while trading barbs with movie director Spike Lee, who was seated courtside;

Whereas, Reggie Miller's career is highlighted with outstanding achievements, such as: more than 25,000 career points, making him one of the elite players in the history of the NBA and the all-time top scorer in Pacers history; the most prolific three-point shooter in NBA history, both for completions and attempts; and he is among the top players in free-throw percentage, completed free throws, and games played in NBA history;

Whereas, Patrick Ewing, now an assistant coach for the Houston Rockets, credits Reggie as being one of the "purest shooters to play the game";

Whereas, One of Reggie Miller's most memorable performances came against Patrick Ewing and the Knicks in the first game of the 1995 Eastern Conference playoffs, where Reggie turned a 6 point New York lead into a 107-105 Pacers victory by scoring eight points in 8.9 seconds, stunning the partisan crowd at Madison Square Garden in New York City;

Whereas, Reggie Miller is much more than an outstanding basketball player; he contributes greatly to the community by visiting Indianapolis schools, where he signs autographs and mentors students, and by visiting patients in local hospitals, where he has helped raise tens of thousands of dollars for fire and burn units;

Whereas, Reggie Miller's heroics on the basketball court were surpassed when he heard the cries of Richard Craig on an Indianapolis interstate and stopped to help save Craig's stricken mother's life; and

Whereas, Reggie Miller is an inspiration to Hoosiers and to sports fans everywhere, and an excellent candidate for the NBA Hall of Fame: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the members of the Indiana General Assembly express their gratitude to Reggie Miller for setting a good example for young Hoosiers to follow, for the hours of dedicated service he has given willingly to those in need, and for the hours of pleasure he has given basketball fans through the years.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Reggie Miller and the Indiana Pacers organization.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Buell.

SENATE MOTION

Madam President: I move that Senators Alting, Antich-Carr, Bowser, Bray, Breaux, Broden, Clark, Craycraft, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merriitt, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Server, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 63.

MILLER

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Pursuant to Senate Rule 83(i), your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 49, 79, 100, 202, 206, 242, 279, 282, 298, 322, 341, 446, 529, 578, and 615 and Engrossed House Bills 1057, 1063, 1098, 1159, 1200, 1265, 1314, 1329, 1431, and 1453 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy Committee, to which was referred Senate Resolution 21, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 6, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy Committee, to which was referred Senate Resolution 25, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy Committee, to which was referred House Concurrent Resolution 66, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 6, Nays 0.

WYSS, Chair

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT

OF

CONFEEEE CHANGES

Pursuant to Rule 81(c), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferee (or advisor) appointments to Engrossed Senate Bill 536:

Lewis to replace Broden as Conferee

GARTON

Date: 4/26/05

Time: 4:59 p.m.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1097:

Advisors: Lubbers and Breaux

GARTON
Date: 4/27/05
Time: 9:17 a.m.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1129:

Conferees: Bray and Antich-Carr

GARTON
Date: 4/27/05
Time: 10:09 a.m.

RESOLUTIONS ON FIRST READING

Senate Resolution 43

Senate Resolution 43, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana Senate's appreciation to Nancy Griffin and AARP of Indiana.

Whereas, Senators spend many hours in committee hearings, meetings, and in session, which sometimes makes eating meals difficult; and

Whereas, The fruit supplied to the Senate by Nancy Griffin and AARP of Indiana has been enjoyed and appreciated by the members and staff: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate expresses its sincere appreciation to Nancy Griffin and AARP of Indiana for their generosity.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Nancy Griffin and AARP of Indiana.

The resolution was read in full and adopted by voice vote.

Senate Resolution 54

Senate Resolution 54, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana State Senate's appreciation to Joe Lackey and the Indiana Soft Drink Association.

Whereas, Enacting legislation can be an arduous process, requiring many hours in committee hearings, meetings, and in session;

Whereas, The soft drinks supplied to the Senate by Joe Lackey and the Indiana Soft Drink Association have been enjoyed and appreciated by the members and staff: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate expresses its sincere appreciation to Joe Lackey and the Indiana Soft Drink Association for their generosity.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Joe Lackey and to the Indiana Soft Drink Association.

The resolution was read in full and adopted by voice vote.

Senate Resolution 44

Senate Resolution 44, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express appreciation to Robert D. Kraft of the Indiana Farm Bureau.

Whereas, Enacting legislation requires a clear mind and a healthy body;

Whereas, Milk is an excellent source of calcium and nutrients, is refreshing, filling, and has helped provide the members and staff of the Senate with stamina and fortitude; and

Whereas, Robert D. Kraft of the Indiana Farm Bureau has kept the milk machine filled by delivering a considerable amount of milk to the Senate each week: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate extends its deep appreciation to Robert D. Kraft of the Indiana Farm Bureau for the provision of milk to the Indiana Senate.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Robert K. Kraft of the Indiana Farm Bureau.

The resolution was read in full and adopted by voice vote.

Senate Resolution 46

Senate Resolution 46, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana Senate's appreciation to Verizon for its role in promoting the legislative internship programs.

Whereas, Verizon has demonstrated a worthy commitment to the educational, political, and public service opportunities afforded to the participants in both the Senate Republican and Senate Democratic Legislative Internship Programs;

Whereas, Each of the participants in the Indiana Senate Legislative Internship Programs is a superb individual devoted to developing a better understanding of Indiana's legislative process; and

Whereas, Verizon's willingness to provide scholarships to outstanding legislative interns from both of the Indiana Senate's caucuses enables legislators and staff alike to recognize and reward exemplary job performance among interns: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate expresses its appreciation to Verizon for its role in helping promote the legislative internship programs of the General Assembly.

SECTION 2. The Secretary of the Senate is directed to transmit copies of this Resolution to Neil Krevda, State Director of Legislative Affairs, and Gale Given, Verizon Great Lakes Region President.

The resolution was read in full and adopted by voice vote.

Senate Resolution 45

Senate Resolution 45, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to recognize the outstanding work of the employees of the Indiana Senate.

Whereas, The Senate of the Indiana General Assembly recognizes its employees for their consistent standard of excellent service;

Whereas, The staff and personnel of the Senate deserve praise and commendation from all members of this body and from the public at large for their courteous performance of duties; and

Whereas, The Senate and the State of Indiana have benefitted from the expedient and efficient work of the Senate employees: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The devotion to duty, excellent service, and courteous demeanor of the Senate's employees are deeply appreciated by us all, individually and as a group, so that we

commend them for their service to the State of Indiana during the First Regular Session of the One Hundred Fourteenth Indiana General Assembly.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to each person who served as a Senate employee.

The resolution was read in full and adopted by voice vote.

Senate Resolution 47

Senate Resolution 47, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Senate's sincere appreciation to the staff of the Indiana Legislative Services Agency.

Whereas, The staff of the Indiana Legislative Services Agency has extended full cooperation and devoted countless hours and effort to assure the viability and function of the legislative process;

Whereas, The staff of the Indiana Legislative Services Agency offers invaluable help and expertise in assisting members of the Senate with legislative problem solving; and

Whereas, The staff of the Indiana Legislative Services Agency has served the Senate loyally, capably, and tirelessly: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the members of the Senate express their full appreciation and sincere commendation to the entire staff of the Indiana Legislative Services Agency for their loyal, capable, and tireless service.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to all staff members and employees of the Legislative Services Agency.

The resolution was read in full and adopted by voice vote.

Senate Resolution 48

Senate Resolution 48, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express sincere appreciation to Maureen Ferguson and Trevor Vance of the Indiana Statewide Association of Rural Electric Cooperatives, Inc.

Whereas, Maureen Ferguson and Trevor Vance of the Indiana Statewide Association of Rural Electric Cooperatives, Inc. have graciously donated boutonnières for the doorkeepers to wear during the 2005 legislative session; and

Whereas, Their generosity in providing these flowers has helped the Senate doorkeepers appear more distinguished, professional, and dapper: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate expresses its sincere appreciation to Maureen Ferguson and Trevor Vance of the Indiana Statewide Association of Rural Electric Cooperatives, Inc. for their generosity.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Maureen Ferguson and Trevor Vance.

The resolution was read in full and adopted by voice vote.

Senate Resolution 52

Senate Resolution 52, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana Senate's appreciation to Warren Disch and Supervalu - Central.

Whereas, Senators spend many hours in committee hearings, meetings, and in session, which sometimes makes eating meals difficult; and

Whereas, The M&M candy supplied to the Senate by Warren Disch and Supervalu - Central has been enjoyed and appreciated by the members and staff: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate expresses its sincere appreciation to Warren Disch and Supervalu - Central for their generosity.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Warren Disch and Supervalu - Central.

The resolution was read in full and adopted by voice vote.

Senate Resolution 55

Senate Resolution 55, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana Senate's appreciation to Mark Anderson and Supervalu - Midwest.

Whereas, Senators spend many hours in committee hearings, meetings, and in session, which sometimes makes eating meals difficult; and

Whereas, The candy supplied to the Senate by Supervalu - Midwest has been enjoyed and appreciated by the members and staff: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate expresses its sincere appreciation to Mark Anderson and Supervalu - Midwest for their generosity.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Mark Anderson and Supervalu - Midwest.

The resolution was read in full and adopted by voice vote.

Senate Resolution 51

Senate Resolution 51, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana Senate's appreciation to Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company.

Whereas, Enacting legislation can be an arduous process which requires that Senators spend many hours in committee hearings, meetings, and in session; and

Whereas, The pretzel sticks supplied to the Senate by Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company have been enjoyed and appreciated by the members and staff: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate wishes to express its sincere appreciation to Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company for their generosity.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit copies of this Resolution to Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company.

The resolution was read in full and adopted by voice vote.

Senate Resolution 53

Senate Resolution 53, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express our sincere appreciation to Brent Shay and the Eby-Brown Company for their generosity.

Whereas, Senators spend many hours in committee hearings, meetings, and in session, which sometimes makes eating meals difficult; and

Whereas, The candy supplied to the Senate by Brent Shay and the Eby-Brown Company has been enjoyed and appreciated by the members and staff: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate expresses its sincere appreciation to Brent Shay and the Eby-Brown Company for their

generosity.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Brent Shay and the Eby-Brown Company.

The resolution was read in full and adopted by voice vote.

Senate Resolution 49

Senate Resolution 49, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana Senate's appreciation to Douglas J. Simmons and the SDS Group, LTD.

Whereas, Senators spend many hours in committee hearings, meetings, and in session, which sometimes makes eating meals difficult; and

Whereas, The popcorn supplied to the Senate has been enjoyed and appreciated by the members and staff: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate expresses its sincere appreciation to Douglas J. Simmons and the SDS Group, LTD for their generosity.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Douglas J. Simmons and SDS Group, LTD.

The resolution was read in full and adopted by voice vote.

Senate Resolution 50

Senate Resolution 50, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the sincere appreciation of the Senate for the invaluable contribution of the Doctor of the Day program and the doctors who participate in it.

Whereas, The Indiana Academy of Family Physicians and the Indiana State Medical Association have provided an invaluable service to the Indiana Senate and the General Assembly during this legislative session by the operation of the "Doctor of the Day" program;

Whereas, The Indiana Academy of Family Physicians and the Indiana State Medical Association have provided competent and experienced physicians who have donated their time and expertise by providing on-the-spot medical care to the members and staff of the legislature;

Whereas, The "Doctor of the Day" program is invaluable in that the presence of a physician contributes to the smooth operation of the Indiana Senate which results in quality legislation on behalf of the citizens of the State of Indiana; and

Whereas, Each member of this body is appreciative of the fine efforts of the dedicated physicians who have contributed their services for this program. The security of having a competent physician within steps of the Senate Chamber is of inestimable value to the members of the Senate: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate hereby expresses its deepest gratitude to the Indiana Academy of Family Physicians, The Indiana State Medical Association, and the dedicated physicians who participated in the "Doctor of the Day" program during this First Regular Session of the One Hundred Fourteenth Indiana General Assembly. We look forward to a continued relationship with these worthwhile organizations and dedicated individuals.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the President of the Indiana Academy of Family Physicians, to the Executive Director of the Indiana State Medical Association, and to each of the physicians who participated in the "Doctor of the Day" program this session.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 81

House Concurrent Resolution 81, sponsored by Senator Merritt:

A CONCURRENT RESOLUTION honoring the Lawrence North High School wrestling team.

Whereas, The Lawrence North High School wrestling team secured its second consecutive state title with a 48-17 victory over Avon in the 10th Annual Indiana High School Athletic Association's Team Wrestling State Finals;

Whereas, The Wildcats, who started the season ranked number one, finished the season ranked number one by defeating number five Portage and number two Evansville Mater Dei before toppling number 11 Avon in the championship;

Whereas, The Lawrence North Wildcats won nine of 14 matches on their way to the championship;

Whereas, This year's victory marks the 47th consecutive dual meet victory for the Wildcats;

Whereas, Coach Brett Crousore feels that the strength of the members of this team lies in the fact that "they are a team and they act like it at all times";

Whereas, Wildcats Tyler Pino, David Gans, Reece Humphrey, Zach Aspling, and Thomas Johnson all had pins in their respective weight classes;

Whereas, Three-time state champion Reece Humphrey ended the season with a 51-0 record and his 134th consecutive win, including state individual titles in three weight classes; and

Whereas, The Lawrence North High School wrestling team has established itself as the state's best wrestling team through dedication, determination, and hard work: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Lawrence North wrestling team on its victory in the 10th Annual Indiana High School Athletic Association's Team Wrestling State Finals and wishes the team continued success in future endeavors.

SECTION 2. That the Principal Clerk of the House of Representative shall transmit a copy of this resolution to team members Chris Schaler, Jeremiah Edwards, Josh Leppink, Andre Dominguez, Tyler Pino, Tim Brown, David Gans, Dennis Chen, Reece Humphrey, Michael Albert, Matt Klene, Zach Aspling, Ryne Stawick, Thomas Johnson, Jon Rugenstein, Ben Walker, Sean Huston, Chris Rugenstein, Jon McGuigan, Ryan Vogelsong, Alex Burr, Patrick Donahue, Josh Locke, Maurice Gunn; head coach Brett Crousore; assistant coaches Tom Corbett, Jim Humphrey, Jordin Humphrey, Steve Hiner, Jeremy Goodlett, Frank Ingalls, Tom Schneider, Dave Dick, and David Fleming; student managers Stacy Frazier, Sam Gard, and Aaron Belcher; athletic director Grant Nesbit; principal Lynn L. Lupold; and superintendent Dr. Michael Cooper.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 82

House Concurrent Resolution 82, sponsored by Senator Merritt:

A CONCURRENT RESOLUTION congratulating the Lawrence North High School boys basketball team on its victory in the Class 4A Boys Basketball championship.

Whereas, The Lawrence North High School Wildcats won the 2004-2005 Indiana High School Athletic Association Class 4A Boys State Basketball Championship at Conseco Field House in Indianapolis before a sellout crowd of more than 18,000 people;

Whereas, This victory marks the second consecutive title and the third overall title for the Wildcats, who finished the season with a 24-2 record;

Whereas, With this victory, Lawrence North became the first IHSAA Class 4A repeat winner;

Whereas, Ranked number three in the state, Lawrence North was led to victory by a Class 4A record 29 points and nine rebounds from Greg Oden;

Whereas, During the championship game, Oden set several Class 4A records, including a record 14 field goals in 19 attempts and six blocked shots, with five blocks in the first half alone;

Whereas, Senior guard Brandon McPherson scored in double figures with 11 points and made all five of his free throw attempts;

Whereas, McPherson received the Arthur L. Trester Mental Attitude Award following the game;

Whereas, This team, with its stupendous drive and energy, has proven to be a uniting force in the community, with many residents in attendance at the championship game; and

Whereas, Victories by teams such as the Lawrence North Wildcats are truly what Indiana legends are made of: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Lawrence North High School boys basketball team on its 2004-2005 Class 4A state basketball championship and acknowledges the many hours of hard work required to reach a level of excellence necessary to win a state championship. The members of the General Assembly also express their continued good wishes for the members and coaches of this remarkable team.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the members of the Lawrence North team, head coach Jack Keefer, the assistant coaches, principal Lynn L. Lupold, and superintendent Dr. Michael Copper.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 42

Senate Resolution 42, introduced by Senator Merritt:

A SENATE RESOLUTION to honor Indiana Sports Corporation's 25th anniversary and its many achievements over the years.

Whereas, The Indiana Sports Corporation (ISC) has enhanced the quality of life for the citizens of Central Indiana and created an identity for Indianapolis as an amateur sports destination by fostering a fertile sports economy for the region;

Whereas, ISC is responsible for more than a dozen major sport governing bodies that currently call Indianapolis home, including the headquarters of the National Collegiate Athletic Association (NCAA);

Whereas, ISC has hosted over 400 national and international sporting events since it came into being in 1979, including: NCAA Championships, multi-sport events such as the 1987 Pan American Games, the 1982 U.S. Olympic Festival and the 2001 World Police & Fire Games, U.S. Olympic trials, and World Championships in track & field, gymnastics, rowing, basketball, and swimming;

Whereas, The organization is responsible for over \$3 billion in economic impact on Central Indiana over the last 25 years through the events and other activities;

Whereas, ISC has awarded over \$2.5 million since 1988 to more than 200 youth serving organizations across the state and 132 Olympic hopefuls through its CHAMPS and Future Olympians grant programs respectively; and

Whereas, ISC has had a positive impact on the lives of countless Hoosier volunteers who have given of themselves unselfishly to be a part of the amateur sports initiative in order to elevate Indianapolis to the status of Amateur Sports Capital of the World: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate recognizes and honors the Indiana Sports Corporation for its 25 years of service to the State of Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Mark Newman, ISC Chief Operating Officer.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 79

House Concurrent Resolution 79, sponsored by Senator Simpson:

A CONCURRENT RESOLUTION honoring Steve Kinser.

Whereas, Steve Kinser has had a remarkable racing career;

Whereas, Before Steve began racing, he was a championship wrestler;

Whereas, The Bloomington native won a state wrestling championship under Kay Hutsell at Bloomington South High School;

Whereas, Steve made the Bloomington South Panthers' varsity wrestling team as a junior and went 20-2, finishing second in the state at 132 pounds;

Whereas, In Steve's senior year, he was 26-1 and won the state wrestling championship;

Whereas, After high school, Steve joined his father in the bricklaying and sprint racing businesses;

Whereas, In 1978, the World of Outlaws racing series began and Steve abandoned the bricklaying business to become a full-time racer;

Whereas, In his 24 1/2 seasons with the Outlaws, Steve won 19 championships and 513 A features;

Whereas, 1987 was an outstanding year for Steve; he won 46 features, including 12 in a row and 24 of the last 26; and

Whereas, Steve Kinser's racing was not limited to sprint cars; he competed at the Indianapolis 500, in NASCAR, and in IROC, finishing 14th in the 1997 Indianapolis 500: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly acknowledges the accomplishments of Steve Kinser and wishes him continued success in all his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Steve Kinser, his wife Dana, daughter Stevie, and sons Kraig and Kurt.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

2:49 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 5:39 p.m., with the President of the Senate in the Chair.

RESOLUTIONS ON FIRST READING

Senate Resolution 56

Senate Resolution 56, introduced by Senators Clark, Antich-Carr, and Lanane:

A SENATE RESOLUTION urging the Legislative Council to direct an appropriate study committee to review issues regarding the issuance and use of gift certificates.

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Legislative Council is urged to direct the appropriate interim study committee to review issues regarding the issuance and use of gift certificates, including:

- (1) the definition of a gift certificate, including the appropriateness of whether stored value cards, gift cards, online gift accounts, and cards issued by financial institutions should be included within the definition;
- (2) the appropriateness of requiring the issuers of such cards to include limitations on fees expiration dates and other terms;
- (3) the appropriateness of requiring issuers of such cards to disclose terms relative to fees, expiration dates, and other matters.

SECTION 2. That the committee, if directed, shall operate under the direction of the Legislative Council, and shall issue a final report when directed to do so by the Council.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to all members of the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on April 27, 2005, signed the following Senate Enrolled Acts: 67, 89, 217, 224, 295, 304, 329, 363, 378, and 433.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on April 27, 2005, signed the following House Enrolled Act: 1137.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on April 27, 2005, signed the following Senate Enrolled Acts: 18, 64, 140, 179, 253, 227, 296, 335, 340, 422, 467, 474, 487, 538, 539, and 634.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on April 27, 2005, signed the following House Enrolled Acts: 1056, 1078, 1113, 1165, 1179, 1241, 1270, 1495, and 1662.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on April 27, 2005, signed Engrossed Senate Joint Resolution 7.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on Engrossed House Bill 1063-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed Senate Bills 79-1, 242-1, and 564-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 83 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 81 and 82 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Porter as a conferee on Engrossed House Bill 1198 and now appoints Representative Behning thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Stilwell as a conferee on Engrossed Senate Bill 536 and now appoints Representative Borror thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Porter as a conferee on Engrossed House Bill 1112 and now appoints Representative Turner thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Alderman as a conferee on Engrossed Senate Bill 1666 and now appoints Representative Whetstone thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Pelath as a conferee on Engrossed House Bill 1057 and now appoints Representative Richardson thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Senate amendments to Engrossed House Bill 1822 and is eligible for enrollment.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed Senate Bills 233-1, 379-1, and 481-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on Engrossed House Bill 1265-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 71 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed Senate Bills 49-1, 202-1, 279-1, 298-1, 341-1, 446-1, and 509-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed House Bills 1159-1, 1200-1, and 1431-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

**PRESIDENT PRO TEMPORE'S REPORT
OF**

CONFEREES CHANGES

Pursuant to Rule 81(c), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferee (or advisor) appointments to Engrossed Senate Bill 327:

Weatherwax to replace Kenley as Chair

GARTON
Date: 4/27/05
Time: 5:35 p.m.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 127-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 127 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 1-1-8.1-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. The state supports the county executive of any county that seeks to change the time zone in which the county is located under the procedures established by federal law.**

SECTION 2. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2006]: IC 1-1-8.1-1; IC 1-1-8.1-2.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) **The governor and the general assembly hereby petition the United States Department of Transportation to initiate proceedings under the Uniform Time Act of 1966 to hold hearings in the appropriate locations in Indiana on the issue of the location of the boundary between the Central Time Zone and the Eastern Time Zone in Indiana.**

(b) **The governor and the general assembly advise the United States Department of Transportation that any administrative action to change the time zone boundary in response to the petition contained in this SECTION should not change the time zone for any of the following Indiana counties:**

(1) **Any Indiana county currently located in the Central Time Zone, which should remain in the Central Time Zone.**

(2) Clark County, which should remain in the Eastern Time Zone.

(3) Dearborn County, which should remain in the Eastern Time Zone.

(4) Floyd County, which should remain in the Eastern Time Zone.

(5) Harrison County, which should remain in the Eastern Time Zone.

(6) Ohio County, which should remain in the Eastern Time Zone.

(c) To implement this SECTION, the governor shall, not later than ten (10) days after the governor files this act with the secretary of state, send a copy of this act along with any other necessary documentation prescribed by the United States Department of Transportation to the appropriate official of the United States Department of Transportation.

(d) This SECTION expires July 1, 2007.

SECTION 4. An emergency is declared for this act.

(Reference is to ESB 127 as reprinted April 5, 2005.)

Riegsecker, Chair

Torr

Sipes

Borror

Senate Conferees

House Conferees

Roll Call 483: yeas 28, nays 22. Report adopted.

6:43 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 7:14 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Senator Gard be added as coauthor of Engrossed Senate Bill 571.

SIMPSON

Motion prevailed.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 598.

LUBBERS

Roll Call 484: yeas 30, nays 20. Motion prevailed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1063-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed

Senate Amendments to Engrossed House Bill 1063 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning property.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "committee" refers to the interim study committee on eminent domain established by this SECTION.

(b) For the purposes of this SECTION, "commercial use" includes the following:

(1) Private residential development or use of the property.

(2) Private development of the property under a lease.

(3) Use of the property for retail or industrial purposes.

(c) There is established the interim study committee on eminent domain. The committee shall study the use of eminent domain, especially where the proposed use of the property being acquired by eminent domain does not relate directly to providing a governmental service or fulfilling a governmental responsibility but is, rather, a commercial use.

(d) The committee shall study criteria that could be applied when the acquisition of property by eminent domain for a commercial use is proposed, including the following:

(1) Minimum price offers to the owner of the real property.

(2) Significance of promoting or retaining gainful employment.

(3) Significance of business opportunities.

(4) Whether the real property is located within an area in which normal development and occupancy are undesirable or impossible for the following reasons:

(A) Deterioration of improvements.

(B) Obsolescence.

(C) Substandard buildings.

(D) Excessive numbers of vacant, abandoned, or illegally used properties.

(E) Unsanitary or unsafe conditions.

(F) Life or property endangering conditions.

(5) Any other issue assigned by the legislative council.

(e) The committee shall operate under the policies governing study committees adopted by the legislative council.

(f) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(g) This SECTION expires January 1, 2006.

(Reference is to EHB 1063 as reprinted April 6, 2005.)

Wolkins, Chair

Bray

E. Harris

Lanane

House Conferees

Senate Conferees

Roll Call 485: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1159-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1159 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-7-2-131.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 131.3. "Missing endangered adult"**, for purposes of IC 12-10-18, means an individual at least eighteen (18) years of age who is reported missing to a law enforcement agency and is, or is believed to be:

- (1) a temporary or permanent resident of Indiana;
- (2) at a location that cannot be determined by an individual familiar with the missing individual; and
- (3) incapable of returning to the missing individual's residence without assistance by reason of:

- (A) mental illness;
- (B) mental retardation;
- (C) dementia; or
- (D) another physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care.

SECTION 2. IC 12-7-2-174.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 174.8. "Endangered adult medical alert"** means an alert indicating that law enforcement officials are searching for a missing endangered adult.

SECTION 3. IC 12-10-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 18. Reports of Missing Endangered Adults

Sec. 1. (a) A law enforcement agency that receives a notification concerning a missing endangered adult from:

- (1) the missing endangered adult's:

- (A) guardian;
- (B) custodian; or
- (C) guardian ad litem; or

- (2) an individual who:

- (A) provides the missing endangered adult with home health aid services;
- (B) possesses a health care power of attorney for the missing endangered adult; or
- (C) has evidence that the missing endangered adult has a condition that may prevent the missing endangered adult from returning home without assistance;

shall prepare an investigative report on the missing endangered adult, if based on the notification, the law enforcement agency has reason to believe that an endangered adult is missing.

(b) The investigative report described in subsection (a) may include the following:

(1) Relevant information obtained from the notification concerning the missing endangered adult, including the following:

- (A) A physical description of the missing endangered adult.
- (B) The date, time, and place that the missing endangered adult was last seen.
- (C) The missing endangered adult's address.

(2) Information gathered by a preliminary investigation, if one was made.

(3) A statement by the law enforcement officer in charge setting forth that officer's assessment of the case based upon the evidence and information received.

Sec. 2. The law enforcement agency shall prepare the investigative report described by section 1 of this chapter as soon as practicable, and if possible not later than five (5) hours after the law enforcement agency receives notification of a missing endangered adult.

Sec. 3. (a) Upon completion of the report described by section 1 of this chapter, if the law enforcement agency has reason to believe that public notification may assist in locating the missing endangered adult, the law enforcement agency may immediately forward the contents of the report to:

- (1) all law enforcement agencies that have jurisdiction in the location where the missing endangered adult lives and all law enforcement agencies that have jurisdiction in the location where the missing endangered adult was last seen;
- (2) all law enforcement agencies to which the person who made the notification concerning the missing endangered adult requests the report be sent, if the law enforcement agency determines that the request is reasonable in light of the information received;
- (3) all law enforcement agencies that request a copy of the report;
- (4) one (1) or more broadcasters that broadcast in an area where the missing endangered adult may be located;
- (5) the Indiana data and communication system (IDACS); and
- (6) the National Crime Information Center's Missing Person File, if appropriate.

(b) Upon completion of the report described by section 1 of this chapter, a law enforcement agency may forward a copy of the contents of the report to one (1) or more newspapers distributed in an area where the missing endangered adult may be located.

(c) After forwarding the contents of the report to a broadcaster or newspaper under this section, the law enforcement agency may request that the broadcaster or newspaper:

- (1) notify the public that there is an endangered adult medical alert; and
- (2) broadcast or publish:
 - (A) a description of the missing endangered adult; and
 - (B) any other relevant information that would assist in locating the missing endangered adult.

(d) A broadcaster or newspaper that receives a request concerning a missing endangered adult under subsection (c) may, at the discretion of the broadcaster or newspaper:

- (1) notify the public that there is an endangered adult medical alert; and
- (2) broadcast or publish:
 - (A) a description of the missing endangered adult; and
 - (B) any other relevant information that would assist in locating the missing endangered adult.

Sec. 4. A law enforcement agency may begin an investigation concerning a missing endangered adult as soon as possible after receiving notification of the missing endangered adult.

Sec. 5. An individual described in section 1(a)(1) or 1(a)(2) of this chapter who notifies a law enforcement agency concerning a missing endangered adult shall notify the law enforcement agency when the missing endangered adult is found.

Sec. 6. (a) A broadcaster or newspaper that receives a report of a missing endangered adult from a law enforcement agency under section 3 of this chapter is immune from civil liability for an act or omission related to:

- (1) the broadcast or publication of information contained in the report, including:
 - (A) a description of the missing endangered adult; and
 - (B) any other relevant information that would assist in locating the missing endangered adult; or
- (2) the decision of the broadcaster or newspaper not to broadcast or publish information contained in the report.

(b) The civil immunity described in subsection (a) does not apply to an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct.

SECTION 4. IC 22-14-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 12.** Whenever a member of the arson division of the office retires after at least twenty (20) years of service, the office shall, in recognition of the member's service to the office, do the following:

- (1) Allow the member to retain the service weapon issued to the member by the office.
- (2) Issue the member a badge that indicates the member is a retired member of the arson division of the office.
- (3) Issue the member an identification card that contains the following information:
 - (A) The name of the office and the arson division.
 - (B) The name of the member.
 - (C) The member's position title before the member's retirement.
 - (D) A statement that the member is retired.
 - (E) A statement that the member is authorized to retain the service weapon issued to the member by the office.

SECTION 5. IC 34-30-2-43.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 43.3.** IC 12-10-18-6 (Concerning a broadcaster or newspaper that receives a report concerning an endangered adult medical alert).

SECTION 6. IC 34-30-2-152.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 152.2.** IC 35-47-13-6 (Concerning the state or a law enforcement agency for issuing

evidence that a retired law enforcement officer meets the training and qualification standards to carry certain firearms).

SECTION 7. IC 35-44-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2. (a)** As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:

- (1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;
- (2) there has been or there will be tampering with a consumer product introduced into commerce; or
- (3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false commits false reporting, a Class D felony.

(d) A person who:

- (1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;
- (2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;
- (3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;
- (4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) **or missing endangered adult (as defined in IC 12-7-2-131.3)** or gives false information in the official investigation of a missing child **or missing endangered adult** knowing the report or information to be false; or
- (5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3) that employs the officer:

- (A) alleging the officer engaged in misconduct while performing the officer's duties; and
- (B) knowing the complaint to be false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to an innocent person.

SECTION 8. IC 35-45-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 17. Panhandling

Sec. 1. (a) As used in this chapter, "panhandling" means to solicit an individual:

- (1) on a street or in another public place; and
- (2) by requesting an immediate donation of money or something else of value.

(b) The term includes soliciting an individual:

- (1) by making an oral request;
- (2) in exchange for:
 - (A) performing music;
 - (B) singing; or
 - (C) engaging in another type of performance; or

(3) by offering the individual an item of little or no monetary value in exchange for money or another gratuity under circumstances that would cause a reasonable individual to understand that the transaction is only a donation.

(c) The term does not include an act of passively standing, sitting, performing music, singing, or engaging in another type of performance:

- (1) while displaying a sign or other indication that a donation is being sought; and
- (2) without making an oral request other than in response to an inquiry by another person.

Sec. 2. A person who knowingly or intentionally does any of the following commits panhandling, a Class C misdemeanor:

- (1) Panhandling after sunset and before sunrise.
- (2) Panhandling when the individual being solicited is:
 - (A) at a bus stop;
 - (B) in a:
 - (i) vehicle; or
 - (ii) facility;

used for public transportation;
 - (C) in a motor vehicle that is parked or stopped on a public street or alley, unless the person soliciting the individual has the approval to do so by a unit of local government that has jurisdiction over the public street or alley;
 - (D) in the sidewalk dining area of a restaurant; or
 - (E) within twenty (20) feet of:
 - (i) an automated teller machine; or
 - (ii) the entrance to a bank.
- (3) Panhandling while touching the individual being solicited without the solicited individual's consent.
- (4) Panhandling while the individual being solicited is standing in line and waiting to be admitted to a commercial establishment.
- (5) Panhandling while blocking:
 - (A) the path of the individual being solicited; or
 - (B) the entrance to a building or motor vehicle.
- (6) Panhandling while using profane or abusive language:
 - (A) during a solicitation; or
 - (B) after the individual being solicited has declined to donate money or something else of value.
- (7) Panhandling while making a statement, a gesture, or another communication to the individual being solicited that would cause a reasonable individual to:
 - (A) fear for the individual's safety; or
 - (B) feel compelled to donate.
- (8) Panhandling with at least one (1) other individual.
- (9) Panhandling and then following or accompanying the solicited individual without the solicited individual's consent after the solicited individual has declined to donate money or something else of value.

SECTION 9. IC 35-47-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 13. Retired Law Enforcement Officers Identification for Carrying Firearms

Sec. 1. As used in this chapter, "firearm" has the meaning set

forth in 18 U.S.C. 926C(e).

Sec. 2. As used in this chapter, "law enforcement agency" means an agency or a department of:

- (1) the state; or
- (2) a political subdivision of the state;

whose principal function is the apprehension of criminal offenders.

Sec. 3. As used in this chapter, "law enforcement officer" has the meaning set forth in IC 35-41-1-17(a). The term includes an arson investigator employed by the office of the state fire marshal.

Sec. 4. After June 30, 2005, all law enforcement agencies shall issue annually to each person who has retired from that agency as a law enforcement officer a photographic identification.

Sec. 5. (a) In addition to the photographic identification issued under section 4 of this chapter, after June 30, 2005, a retired law enforcement officer who carries a concealed firearm under 18 U.S.C. 926C must obtain annually, for each type of firearm that the retired officer intends to carry as a concealed firearm, evidence that the retired officer meets the training and qualification standards to carry that type of firearm established:

- (1) by the retired officer's law enforcement agency, for active officers of the agency; or
- (2) by the state, for active law enforcement officers in the state.

A retired law enforcement officer bears any expense associated with obtaining the evidence required under this subsection.

(b) The evidence required under subsection (a) is one (1) of the following:

- (1) For compliance with the standards described in subsection (a)(1), an endorsement issued by the retired officer's law enforcement agency with or as part of the photographic identification issued under section 4 of this chapter.
- (2) For compliance with the standards described in subsection (a)(2), a certification issued by the state.

Sec. 6. An entity that provides evidence required under section 5 of this chapter is immune from civil or criminal liability for providing the evidence.

SECTION 10. [EFFECTIVE JULY 1, 2005] IC 35-44-2-2, as amended by this act, and IC 35-45-17-2, as added by this act, apply only to crimes committed after June 30, 2005.

SECTION 11. An emergency is declared for this act.

(Reference is to EHB 1159 as reprinted April 5, 2005.)

J. Smith, Chair	Zakas
Summers	Craycraft
House Conferees	Senate Conferees

Roll Call 486: yeas 41, nays 9. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1200-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1200 respectfully reports that said two committees have conferred and agreed as

follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-11-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The state examiner shall require from every municipality and every state or local governmental unit, entity, or instrumentality financial reports covering the full period of each fiscal year. Except as provided by subsection (b), these reports shall be prepared, verified, and filed with the state examiner ~~within~~ **not later than** thirty (30) days after the close of each fiscal year.

(b) The following shall prepare, verify, and file the reports required under subsection (a) not later than sixty (60) days after the ~~end~~ **close** of each **fiscal** year:

(1) A municipal government.

(2) A public library.

(3) A district (as defined in IC 13-11-2-58(a)) that owns a landfill (as defined in IC 13-11-2-116(c)).

SECTION 2. IC 13-19-3-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: **Sec. 9. (a) This section does not apply to an expansion of a solid waste landfill:**

(1) that accepts only construction\demolition waste; and

(2) for which a construction\demolition waste permit was issued before January 1, 2005.

(b) A solid waste landfill that accepts only construction\demolition waste shall comply with setback requirements concerning public schools established by the board under 329 IAC 10-16-11 for municipal solid waste landfills.

SECTION 3. IC 13-21-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Except as provided in subsections (b) through ~~(d)~~, **(e)**, the board of a county district consists of the following members:

(1) Two (2) members appointed by the county executive from the membership of the county executive.

(2) One (1) member appointed by the county fiscal body from the membership of the fiscal body.

(3) One (1) member:

(A) who is the executive of the municipality having the largest population in the county if that municipality is a city; or

(B) appointed from the membership of the legislative body of a town if the town is the municipality having the largest population in the county.

(4) One (1) member of the legislative body of the municipality with the largest population in the county appointed by the legislative body of that municipality.

(5) One (1) member:

(A) who is the executive of a city in the county that is not the municipality having the largest population in the county; or

(B) who is a member of the legislative body of a town that is not the municipality having the largest population in the county;

and who is appointed by the executive of that county to represent the municipalities in the county other than the municipality having the largest population.

(6) One (1) additional member appointed by the county executive from the membership of the county executive.

(b) If a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is designated as a county district, the executives of the three (3) cities in the county having the largest populations each serve as a member of the board or may appoint a member of the legislative body of their city to serve as a member of the board. If a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) is designated as a county district, the executives of the two (2) cities in the county having the largest populations each serve as a member of the board. If a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) is designated as a county district, the board of that county district must include the following:

(1) One (1) member of the legislative body of the city having the second largest population in the county, appointed by the president of the city legislative body.

(2) One (1) member of the legislative body of a town located in the county, appointed by the judge of the circuit court in the county.

(c) If a county having a consolidated city is designated a county district, the board of public works established under IC 36-3-5-6 constitutes the board of the county district.

(d) If a county designated as a county district has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board of the district consists of the following members:

(1) One (1) member appointed by the county executive from the membership of the county executive.

(2) Two (2) members appointed from the county fiscal body appointed from the membership of the county fiscal body.

(3) The executive of each second or third class city or a member of the legislative body of their city appointed by the executive.

(4) One (1) member of the legislative body of each town appointed by the legislative body.

(5) One (1) member of the legislative body of the municipality with the largest population in the county appointed by the legislative body of that municipality.

(6) If a local government unit in the county has an operating final disposal facility located within the unit's jurisdiction, one (1) member of the unit's board of public works appointed by the board of public works.

(e) This subsection applies only to a county that does not contain a city. If the county executive and the county fiscal body of a county designated as a county district agree, the board of the district shall consist of the following nine (9) or ten (10) members:

(1) The three (3) members of the county executive.

(2) Two (2) members of the county fiscal body, chosen by the county fiscal body.

(3) One (1) member of each of the town legislative bodies of the four (4) or five (5) towns in the county having the largest population, chosen by each town legislative body.

SECTION 4. IC 13-21-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The requirements of this section:

(1) are in addition to the requirements set forth in IC 6-1.1-18.5-7(b); and

(2) do not apply to a district that:

(A) owns a landfill;

(B) will use property tax revenue to:

(i) construct a new landfill cell; or

(ii) close a landfill cell;

at the landfill; and

(C) has received approval from the county fiscal body of the county in which the landfill is located to construct or close the landfill cell.

(b) To be eligible to include within the district's budget for the following year tax revenue derived from the imposition of a property tax, the first year that a property tax will be imposed and any subsequent year in which the proposed tax levy will increase by five percent (5%) or more, a board must present identical resolutions to each of the county fiscal bodies within the district seeking approval for the use of property tax revenue within the district. The resolution must state the proposed property tax levy and the proposed use of the revenue. The resolution must be stated so that:

(1) a "yes" vote indicates approval of the levy and the proposed use of property tax revenue within the district; and

(2) a "no" vote indicates disapproval of the levy and the proposed use of property tax revenue within the district.

(c) For a resolution described in subsection (b) to be approved by the county fiscal body:

(1) the county fiscal body must record the vote taken on the resolution under subsection (b) before May 1 of the year in which the vote was taken; and

(2) the recorded vote must indicate approval of the use of property tax revenue within the district.

(d) If all of the county fiscal bodies within a district do not record the approval described in subsection (c) before May 1 of the year in which the vote under subsection (b) was taken, the board may not:

(1) impose; or

(2) include within the budget of the board;

a property tax for the year following the year in which the vote was taken.

(e) Notwithstanding subsection (d), after the first year a tax is imposed under this section, the resolution required by subsection (b) for a district that is located in more than two (2) counties need only be approved by a majority of the county fiscal bodies for the counties in which the district is located.

(f) A district may not issue bonds to be repaid, directly or indirectly, with money or property tax revenue of the district until a majority of the members of each of the county fiscal bodies within a district passes a resolution approving the bond issue.

SECTION 5. IC 13-26-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:

Sec. 2. (a) Except as provided in subsection (b), the rates or charges for a sewage works may be determined based on the following:

(1) A flat charge for each connection.

(2) The amount of water used on the premises.

(3) The number and size of water outlets on the premises.

(4) The amount, strength, or character of sewage discharged into the sewers.

(5) The size of sewer connections.

(6) Whether the property served has been or will be required to pay separately for the cost of any of the facilities of the works.

(7) A combination of these or other factors that the board determines is necessary to establish nondiscriminatory, just, and equitable rates or charges.

(b) ~~This subsection applies only to a district in which a campground brought a legal action after January 1, 2000, and before April 1, 2003, against a board concerning sewage service billed at a flat rate. If a campground is billed for sewage service at a flat rate under subsection (a), the campground may instead elect to be billed for the sewage service under this subsection by installing, at the campground's expense, a meter to measure the actual amount of sewage discharged by the campground into the sewers. for one (1) year. The highest meter reading for a calendar week for the campground during the year shall be used to determine the resident equivalent units for the campground. If a campground elects to be billed by use of a meter:~~

(1) the rate charged by a board for the metered sewage service may not exceed the rate charged to residential customers for equivalent usage; and

(2) the amount charged by a board for the campground's monthly sewage service for the period beginning September 1 and ending May 31 must be equal to the greater of:

(A) the actual amount that would be charged for the sewage discharged during the month by the campground as measured by the meter; or

(B) the lowest monthly charge paid by the campground for sewage service during the previous period beginning June 1 and ending August 31.

(c) If a campground does not install a meter under subsection (b) and is billed for sewage service at a flat rate under subsection (a), for a calendar year beginning after December 31, 2004, each campsite at the campground may not equal more than one-third (1/3) of one (1) resident equivalent unit. The basic monthly charge for the campground's sewage service must be equal to the number of the campground's resident equivalent units multiplied by the rate charged by the board for a resident unit.

(d) The board may impose additional charges on a campground under ~~this subsection~~ subsections (b) and (c) if the board incurs additional costs that are caused by any unique factors that apply to providing sewage service for the campground, including, but not limited to:

(1) the installation of:

(A) oversized pipe; or

(B) any other unique equipment;

necessary to provide sewage service for the campground; and

(2) excessive concentrations of biochemical oxygen demand (BOD) that exceed federal pollutant standards.

SECTION 6. IC 13-26-11-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 2.1.

(a) As used in this section, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(b) This section applies to an owner or operator of a campground described in section 2(b) or 2(c) of this chapter who disputes:

- (1) that the campground is being billed at rates charged to residential customers for equivalent usage as required by section 2(b)(1) of this chapter;
- (2) the number of resident equivalent units determined for the campground under section 2(c) of this chapter; or
- (3) that any additional charges imposed on the campground under section 2(d) of this chapter are reasonable or nondiscriminatory.

(c) If an owner or operator:

- (1) makes a good faith attempt to resolve a disputed matter described in subsection (b)(1) through (b)(3) through:
 - (A) any grievance or complaint procedure prescribed by the board; or
 - (B) other negotiations with the board; and
- (2) is dissatisfied with the board's proposed disposition of the matter;

the owner or operator may file with the commission a written request for review of the disputed matter and the board's proposed disposition of the matter to be conducted by the commission's appeals division established under IC 8-1-2-34.5(b). The owner or operator must file a request under this section with the commission and the board not later than seven (7) days after receiving notice of the board's proposed disposition of the matter.

(d) The commission's appeals division shall provide an informal review of the disputed matter. The review must include a prompt and thorough investigation of the dispute. Upon request by either party, or on the division's own motion, the division shall require the parties to attend a conference on the matter at a date, time, and place determined by the division.

(e) In any case in which the basic monthly charge for a campground's sewage service is in dispute, the owner or operator shall pay, on any disputed bill issued while a review under this section is pending, the basic monthly charge billed during the year immediately preceding the year in which the first disputed bill is issued. If the basic monthly charge paid while the review is pending exceeds any monthly charge determined by the commission in a decision issued under subsection (f), the board shall refund or credit the excess amount paid to the owner or operator. If the basic monthly charge paid while the review is pending is less than any monthly charge determined by the appeals division or commission in a decision issued under subsection (f), the owner or operator shall pay the board the difference owed.

(f) After conducting the review required under subsection (d), the appeals division shall issue a written decision resolving the disputed matter. The division shall send a copy of the decision to:

- (1) the owner or operator of the campground; and
- (2) the board;

by United States mail. Not later than seven (7) days after receiving the written decision of the appeals division, either party may make a written request for the dispute to be formally docketed as a proceeding before the commission. Subject to the right of either party to an appeal under IC 8-1-3, the decision of the commission is final.

(g) The commission shall maintain a record of all requests for a review made under this section. The record must include:

- (1) a copy of the appeals division's and commission's decision under subsection (f) for each dispute filed; and
- (2) any other documents filed with the appeals division or commission under this section.

The record must be made available for public inspection and copying in the office of the commission during regular business hours under IC 5-14-3.

(h) The right of a campground owner or operator to request a review under this section is in addition to the right of the campground owner or operator to file a petition under section 15 of this chapter as a freeholder of the district.

(i) The commission may adopt rules under IC 4-22-2 to implement this section.

SECTION 7. IC 14-33-16.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16.5. Dissolution of Smaller District and Assumption of Operations, Obligations, and Assets by Larger District

Sec. 1. This chapter applies to any two (2) conservancy districts that:

- (1) are contiguous; and
- (2) share at least one (1) common purpose set forth in IC 14-33-1-1.

Sec. 2. As used in this chapter:

- (1) "freeholder" means an owner of real property, as reflected in the real property tax records of the county auditor;
- (2) "larger district" means, of the two (2) districts referred to in section 1 of this chapter, the one (1) that has the larger number of freeholders; and
- (3) "smaller district" means, of the two (2) districts referred to in section 1 of this chapter, the one (1) that has the smaller number of freeholders.

Sec. 3. (a) The freeholders of a smaller district may initiate dissolution proceedings under this chapter by filing a petition with the county auditor of the county in which most of the smaller district's area is located. The petition must be signed by at least the lesser of:

- (1) fifty (50); or
- (2) five percent (5%);

of the smaller district's freeholders.

(b) A petition under subsection (a) may be circulated and presented in separate parts. All the parts of the petition constitute a single petition.

(c) The petitioning freeholders must sign the petition, showing:

- (1) the name and address of each petitioner; and
- (2) the date of the signature.

(d) A petition must state that the petitioners desire an election on the question of whether:

- (1) the smaller district will dissolve and become part of the larger district; and
- (2) the larger district will assume the smaller district's operation, obligations, and assets.

(e) A person who presents a petition from the smaller district's freeholders under this section to the county auditor must verify and certify the signatures on the petition upon oath.

Sec. 4. (a) Not later than thirty (30) days after a petition is filed with the county auditor under section 3 of this chapter, the county auditor shall:

- (1) prepare and certify a list of freeholders of the smaller district;
- (2) make the list available for inspection by any person; and
- (3) determine and certify whether the petition:
 - (A) was signed by the number of freeholders required under section 3(a) of this chapter; and
 - (B) otherwise meets the requirements of this chapter.

(b) A deficiency in the list of the smaller district's freeholders or an omission of the name of a freeholder does not void the election or the election's outcome.

(c) If the county auditor determines that a petition filed under section 3 of this chapter meets the requirements of this chapter, the auditor shall, not later than forty (40) days after receiving the petition, forward a notice to the board of directors of the larger district by personal delivery or by certified mail. The notice must:

- (1) inform the larger district that a petition was filed under section 3 of this chapter by the freeholders of the smaller district; and
- (2) ask if the larger district is willing and able to assume the smaller district's operation, obligations, and assets if the smaller district's freeholders vote to dissolve the smaller district.

(d) Not later than thirty (30) days after receiving the notice from the county auditor under subsection (c), the board of directors of the larger district may pass a resolution stating that:

- (1) the larger district is willing and able to assume the smaller district's operation, obligations, and assets; and
- (2) upon becoming part of the larger district, the freeholders of the smaller district will:
 - (A) become full and equal freeholders of the larger district; and
 - (B) pay the same special benefits taxes and user charges generally charged by the larger district.

(e) If the board of directors of the larger district passes a timely resolution under subsection (d):

- (1) the board of directors of the larger district must forward a true and accurate copy of the resolution to the county auditor by personal delivery or by certified mail not later than ten (10) business days after the board passes the resolution; and
- (2) the board of directors of the smaller district must hold a dissolution and assumption election of the smaller district's freeholders under this chapter.

(f) If the board of directors of the larger district:

- (1) does not pass a timely resolution under subsection (d); or
- (2) passes a timely resolution under subsection (d), but does not timely forward a copy of the resolution under subsection (e)(1);

the dissolution proceedings that began with the filing of a petition under section 3 of this chapter are ended.

Sec. 5. Not later than ten (10) days after the county auditor receives a resolution from the board of directors of the larger district under section 4 of this chapter, the county auditor shall, by personal delivery or by certified mail, notify the board of directors of the smaller district that the board of directors of the smaller district must hold the election referred to in section 4(e)(2) of this chapter.

Sec. 6. (a) Not later than ten (10) days after receipt of a notice under section 5 of this chapter, the board of directors of the smaller district shall fix the following:

- (1) A convenient and suitable place for the smaller district's election.
- (2) The date for the election that is at least sixty (60) days after the date on which the county auditor notifies the smaller district's board under section 5 of this chapter.

(b) The voting place must open at 9 a.m. local time and remain open for balloting continuously until 9 p.m. local time. If the number of freeholders in the smaller district is too great for balloting at a single voting place while allowing each freeholder a reasonable time to cast a ballot, the board shall arrange for the number of voting places necessary to accommodate the freeholders eligible to vote.

(c) Notice of the date, time, place, and purpose of the election must be given for two (2) consecutive weeks in an English language newspaper of general circulation published in each county having land in the smaller district, with the last publication:

- (1) not less than fifteen (15) days; and
- (2) not more than thirty (30) days;

before the date of the election.

(d) The board of directors of the smaller district shall also cause individual notice of the election to be given to all the smaller district's freeholders by first class mail.

(e) The notice published under subsection (c) and the individual freeholder notice mailed under subsection (d) must be in the following form:

Notice of a Dissolution and Assumption Election
to the Freeholders of the _____
(insert smaller district) Conservancy District

1. You are a freeholder (i.e. a real property owner) of the _____ (insert smaller district) Conservancy District. As a freeholder, you are one of the owners of the _____ (insert smaller district) Conservancy District.
2. A legally required number of the freeholders of the _____ (insert smaller district) Conservancy District has filed a petition with the _____ (insert county name) County Auditor requesting that the _____ (insert smaller district) Conservancy District be dissolved, and that the operation, obligations, and assets of the _____ (insert smaller district) Conservancy District be assumed by the

_____ (insert larger district) Conservancy District.

3. The _____ (insert larger district) Conservancy District is contiguous to, has the same purpose as, and has a greater number of freeholders than the _____ (insert smaller district) Conservancy District.

4. The Board of Directors of the _____ (insert larger district) Conservancy District has passed a resolution stating:

A. That the _____ (insert larger district) Conservancy District is willing to assume the operation, obligations, and assets of the _____ (insert smaller district) Conservancy District; and

B. That upon becoming part of the _____ (insert larger district) Conservancy District, the freeholders of the _____ (insert smaller district) Conservancy District will become full and equal freeholders of the _____ (insert larger district) Conservancy District and be subject to and pay the same special benefits taxes and user charges generally charged by the (insert larger district) Conservancy District.

5. An election of the freeholders of the (insert smaller district) Conservancy District is set for the day of _____, _____, from 9:00 a.m. to 9:00 p.m., at the following location(s): _____.

6. The question presented for the election is whether the _____ (insert smaller district) Conservancy District should be dissolved, and whether the _____ (insert larger district) Conservancy District should assume the operations, obligations, and assets of the _____ (insert smaller district) Conservancy District.

7. A majority of the votes cast at the election will determine the question of whether the _____ (insert smaller district) Conservancy District should be dissolved, and whether the _____ (insert larger district) Conservancy District should assume the operations, obligations, and assets of the _____ (insert smaller district) Conservancy District.

8. As a freeholder of the _____ (insert smaller district) Conservancy District, you are entitled to and encouraged to vote at the election.

/ss/ Board of Directors, _____
(insert smaller district) Conservancy District

(f) If the board of directors of the smaller district fails to hold the election as required by this chapter, the county auditor of the county in which the smaller district's petition was filed shall:

- (1) conduct the election as required by this chapter; and
- (2) bill the board of directors of the smaller district for the county auditor's costs incurred for the election.

(g) The board of directors of the smaller district shall promptly pay a bill submitted to the smaller district under subsection (f).

Sec. 7. After receiving a notice under section 5 of this chapter, the board of directors of the smaller district shall prepare and furnish ballots in sufficient number in the following form:

"Shall the _____ (insert smaller district)

Conservancy District be dissolved and its operations, obligations, and assets be assumed by the _____ (insert larger district) Conservancy District?

[] Yes [] No"

Sec. 8. After receiving a notice under section 5 of this chapter, the board of directors of the smaller district shall do the following:

- (1) Appoint an assistant secretary.
- (2) Provide a voting list at each voting place.

Sec. 9. (a) Before the voting begins under this chapter, the board of directors of the smaller district shall appoint three (3) freeholders of the district as clerks to conduct the dissolution and assumption election.

(b) Before casting a vote, each freeholder must sign the list of freeholders opposite the freeholder's name in the presence of the district secretary.

(c) If:

- (1) a clerk finds a freeholder's name is omitted from the list; and
- (2) all three (3) clerks determine that the freeholder's name should be added to the list;

the clerks shall place the freeholder's name on the list and the freeholder may vote.

Sec. 10. (a) After an election is held under this chapter, the assistant secretary of the smaller district shall do the following:

- (1) Keep the ballots safe and secure until the end of the voting period.
- (2) At the end of the voting period, present all ballots cast to the three (3) clerks.
- (3) Record the election results in the records of the smaller district.
- (4) Certify the results of the election to the county auditor and the circuit court having supervisory jurisdiction over the smaller district as promptly as possible.

(b) The clerks of the smaller district shall do the following:

- (1) Count the ballots.
- (2) Report the results of the election to the secretary in writing over the signature of each clerk.

Sec. 11. In an election held under this chapter, a majority of all votes cast by the freeholders of the smaller district determine the question of the dissolution of the smaller district and the larger district's assumption of the smaller district's operations, obligations, and assets.

Sec. 12. The costs of a smaller district's election held under this chapter shall be paid by the smaller district.

Sec. 13. (a) In an election held under this chapter, if a majority of the freeholders of the smaller district votes to dissolve the smaller district, not later than sixty (60) days after the election, as the final action of the board of directors of the smaller district, the board shall:

- (1) make a full and final accounting to the circuit court having supervisory jurisdiction over the smaller district; and
- (2) file all records of the smaller district with the court.

(b) If the smaller district's board of directors fails to timely comply with subsection (a), the circuit court having supervisory jurisdiction over the smaller district shall order the board to comply or suffer a finding of contempt of court.

(c) The larger district shall take custody and control of the smaller district's operations, obligations, and assets on the earlier of:

- (1) the date the smaller district's board of directors complies with subsection (a)(1); or
- (2) the sixtieth day after the election.

(d) The larger district is directly responsible for payment of the smaller district's bonds or notes outstanding upon the larger district taking custody and control of the smaller district's operations, obligations, and assets.

(e) When the smaller district's board of directors complies with subsection (a), the circuit court shall issue an order:

- (1) dissolving the smaller district; and
- (2) discharging the board of directors of the smaller district.

SECTION 8. An emergency is declared for this act.

(Reference is to EHB 1200 as reprinted March 22, 2005.)

Thompson, Chair

Lawson

Moses

Smith

House Conferees

Senate Conferees

Roll Call 487: yeas 50, nays 0. Report adopted.

7:49 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 9:30 p.m., with Senator Garton in the Chair.

SENATE MOTION

Madam President: I move that the Senate rescind its action whereby it adopted the Motion to Dissent on Engrossed Senate Bill 452 and that said Motion be withdrawn.

KENLEY

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 54 because it conflicts with HEA 1022-2005 without properly recognizing the existence of HEA 1022-2005, has had Engrossed Senate Bill 54 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 54 be corrected as follows:

Page 1, line 4, delete "IC 34-30-21," and insert "**IC 34-30-22**,".

Page 1, line 14, delete "IC 34-30-21," and insert "**IC 34-30-22**,".

Page 2, line 30, delete "IC 34-30-21" and insert "IC 34-30-22".

Page 2, line 33, delete "21." and insert "**22**,".

(Reference is to ESB 54 as printed March 23, 2005.)

GARTON, Chair
R. YOUNG, R.M.M.
RIEGSECKER

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1822 because it conflicts with House Enrolled Act 1003-2005 without properly recognizing the existence of HEA 1003-2005, has had EHB 1822 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1822 be corrected as follows:

Page 2, line 23, after "IC 4-22-2-28" insert ", AS AMENDED BY HEA 1003-2005, SECTION 20,".

Page 2, line 24, delete "Before July 1,".

Page 2, line 25, delete "2005, the" and insert "**The**".

Page 2, line 25, strike "Indiana Economic Development".

Page 2, line 25, delete "council may review and" and insert "**corporation may review and**".

Page 2, strike lines 26 through 27.

Page 2, line 28, delete "After June 30, 2005, the" and insert "**The**".

Page 2, line 42, delete "council or the" and insert "corporation".

Page 3, line 1, delete "Indiana Economic Development Corporation".

Page 3, line 1, delete "council's" and insert "corporation's".

Page 3, line 2, delete "or the corporation's".

(Reference is to EHB 1822 as printed April 1, 2005.)

GARTON, Chair
R. YOUNG, R.M.M.
LANANE

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 72 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 54.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1822.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Senate amendments to Engrossed House Bills 1315 and 1611 and are eligible for enrollment.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed Senate Bills 100-1, 206-1, 282-1, 322-1, and 615-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed House Bills 1057-1, 1098-1, 1182-1, 1314-1, 1329-1, and 1794-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

Senator Garton yielded the gavel to Senator Landske.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, April 28, 2005.

GARTON

Motion prevailed.

The Senate adjourned at 9:40 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate